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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,972	01/22/2001	Thomas Paul Gielda	V200-0035	1382

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EXAMINER

MORROW, JASON S

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 03/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,972

Applicant(s)

GIELDA, THOMAS PAUL

Examiner

Jason S. Morrow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 2/21/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 5) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobes et al. in view of Li and Farmer.

Cobes et al. discloses a thermally energy efficient vehicle comprising a vehicle structure, wherein the vehicle structure includes generally interconnected structural members (10, 14) that form a frame for the vehicle and generally planar interconnected panels that define a shape of the vehicle and an energy efficient thermal management system providing exterior thermal management for powertrain cooling within an engine compartment (it is inherent to the reference that a vehicle of the type using the frame of Cobes would include a radiator and water pump as is typical for almost all vehicles using internal combustion engines) and interior thermal management for climate control within an occupant compartment of the vehicle (inherent to the vehicle, the use of an air conditioning system in vehicle is at least an option on virtually all commercial vehicles produced today), wherein the energy efficient thermal management system consumes less thermal energy as a result of the increased thermal resistance of the vehicle. A thermally efficient structural material (aluminum, column 1, lines 53-61) is utilized for a structural member to reduce a thermal mass of the structural member. A thermal energy consumption capacity of the energy efficient thermal management system is reduced by

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increasing the thermal resistance of the vehicle (an inherent consequence of having a more energy efficient vehicle is that a thermal energy management system would consume less energy).

Cobes et al. does not disclose the use of a low transmittance glass window.

Farmer et al. teaches the use a low transmittance glass window made of a glass/polycarbonate composite positioned within a vehicle structure, wherein the low transmittance glass window increases a thermal resistance of the vehicle.

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that disclosed by Cobes et al., to include a low transmittance glass window positioned within a vehicle structure, wherein the low transmittance glass window increases a thermal resistance of the vehicle, as taught by Farmer et al., in order to reduce the amount of heat in the vehicle on hot days (Farmer et al., column 1, lines 28).

Cobes et al. and Farmer et al. disclose all the limitations of the claims, as applied above, except for an energy efficient insulator attached to a portion of the vehicle structure to increase a thermal resistance of the vehicle.

Li teaches an energy efficient insulator attached to a portion of a vehicle structure to increase a thermal resistance of a vehicle (the dash board would necessarily provide some measure of heat and sound insulation), the insulator providing a thermal and acoustic barrier and being gas-filled (filled with air, a necessary consequence of being hollow).

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include an energy efficient insulator attached to a portion of the vehicle structure

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to increase a thermal resistance of the vehicle, the insulator providing a thermal and acoustic barrier and being gas-filled, as taught by Li, in order to provide a dashboard for the vehicle.

3. Claims 6-9, 11, 13, 14, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cobes et al., Farmer et al., and Li, as applied to claims 1, 2, and 10 above, and further in view of Lisec.

Cobes et al., Farmer et al., and Li disclose all the limitations of the claims above, except for the low transmittance glass window including two parallel sheets of glass separated by an air gap.

Lisec teaches the use of a glass window including two parallel sheets of glass separated by an air gap (figure 5).

It would have been obvious to one of ordinary skill in the art to modify a vehicle, such as that above, to include a glass window including two parallel sheets of glass separated by an air gap, as taught by Lisec, in order to provide the vehicle with good sound and thermal insulating properties (Lisec, column 1, lines 38-44).

Re claims 8 and 16, Cobes et al., Farmer et al., Li, and Lisec, disclose all the limitations of the claims, as applied above, except for the use of a desiccant material between the parallel sheets of glass.

The use of desiccants in double pane glass window applications is old and well known in the art.

It would have been obvious to one of ordinary skill in the art to modify a window assembly having to parallel sheets of glass, such as that above, to include a desiccant material

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between the parallel sheets, as is old and well known in the art, to keep the panes of glass from fogging over.

***Response to Arguments***

4. Applicant's arguments filed 2/21/03 have been fully considered but they are not persuasive.

Applicant argues that the Cobes reference does not disclose an energy efficient thermal management system providing exterior thermal management for powertrain cooling within an engine compartment and interior thermal management for climate control with an occupant compartment for the vehicle. However, while the reference does not explicitly mention such components, their use in a vehicle of the type of Cobes is inherent. Cobes is directed to an automobile frame. The use of common components to finish such a frame is inherent to the reference. An internal combustion engine with an engine including a radiator and water pump, which constitute exterior thermal management, is standard on the vast majority of vehicles today. Also included in such vehicle is air conditioning, which constitutes interior thermal management. The vast majority of commercial automobiles today either includes air conditioning or offers it as an option. Since the Cobes reference is silent as to the components used to finish the frame disclosed, it is inherent that common components would be used and those claimed by the applicant are some of the most common.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching,

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suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the references is in the knowledge generally available to one of ordinary skill in the art. The motivation to combine the references in each of the rejections is clear in that the Cobes reference, which discloses only a vehicle frame, and requires other components to complete it. The Farmer et al., Li, and Lisec references all disclose components that would be used to complete such a vehicle. Each of them includes design advantages that provide motivation for the combinations in the rejections above.

### *Conclusion*

5. This is a RCE of applicant's earlier Application No. 09/766,972. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (703) 305-7803.

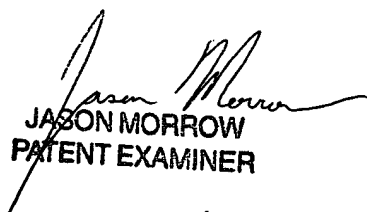
The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

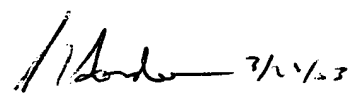
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Jason S. Morrow  
Examiner  
Art Unit 3612

jsm  
March 20, 2003

  
JASON MORROW  
PATENT EXAMINER

  
STEPHEN T. GORDON  
PRIMARY EXAMINER